

## Message Text

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PAGE 01 MOSCOW 08913 251709Z  
ACTION EA-12

INFO OCT-01 EUR-12 ISO-00 L-03 SS-15 SCS-06 CA-01  
NSCE-00 PA-01 EB-08 /059 W  
-----050499 251714Z /45

O 251534Z APR 78  
FM AMEMBASSY MOSCOW  
TO SECSTATE WASHDC IMMEDIATE 0946  
INFO AMEMBASSY TOKYO IMMEDIATE  
AMEMBASSY SEOUL IMMEDIATE  
AMCONSUL LENINGRAD IMMEDIATE

C O N F I D E N T I A L MOSCOW 08913

E.O.11652:GDS  
TAGS:EAIR, UR  
SUBJECT:DOWNED KOREAN AIRLINER

REF: (A) STATE 104381, (B) SEOUL 3350, (C) MOSCOW 8794

1. EMBASSY DOES NOT BELIEVE IT WOULD BE THE WISER COURSE, AT THIS POINT, TO MAKE FORMAL REQUEST INDICATED BY DEPARTMENT (REF A). WHILE SOVIETS HAVE INQUIRED INFORMALLY ABOUT U.S. ROLE IN CASE, THEY HAVE NOT CHALLENGED IT AND IN FACT HAVE DEMONSTRATED IN PRACTICE THAT THEY DO ACCEPT IT (AND IN THIS SINGLE CASE MAY EVEN WELCOME IT). AT SAME TIME AS THEY DEAL WITH US ON THE AIRLINE QUESTION THEY MUST BE AWARE OF DEEP CONCERN BY PYONGYANG OVER POSSIBILITY THAT SOUTH KOREANS MIGHT ATTEMPT TO EXPLOIT THE CASE TO GET (AND KEEP) FOOT IN THE SOVIET DOOR. IF WE WERE TO PRESENT THE MATTER FORMALLY, UNDER ARTICLE 46 OF VIENNA CONVENTION, THEY MIGHT BE OBLIGED TO REJECT OUR REQUEST ON LEGALISTIC GROUNDS. ARTICLE 46 ITSELF REQUIRES PRIOR CONSENT OF RECEIVING STATE, AND SOVIETS NOT ONLY HAVE NO DIPLOMATIC RELATIONS WITH ROK BUT DO NOT RECOGNIZE ITS EXISTENCE. WE WOULD NOT WISH TO TAKE AN ACTION WHICH COULD COMPLICATE OUR ABILITY TO BE HELPFUL IN THIS  
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CASE. WE WOULD RATHER HOLD NOTE FOR POSSIBLE USE IN CONTINGENCY, WHICH WE PRESENTLY VIEW AS UNLIKELY, THAT SOVIETS WOULD FORMALLY CHALLENGE OUR AUTHORITY TO ACT ON BEHALF OF DETAINED KOREANS. WE REQUEST THEREFORE THAT DEPARTMENT CONFINE ITS SUPPORT FOR THE PRESENT TO EXPRESSION OF OUR CONTINUED INTEREST IN EARLY RELEASE OF THE TWO DETAINED CREWMEN.

2. AS FOR KOREAN AIRLINER ITSELF, REF B INDICATES THAT PLANE WAS ON LEASE FROM PAN AMERICAN. PAN AMERICAN HERE HAS NOT BEEN ABLE TO CONFIRM THIS. WE WOULD APPRECIATE CLARIFICATION OF QUESTION OF OWNERSHIP. IN ANY CASE, WE BELIEVE THAT RECOVERY OF AIRCRAFT ITSELF, WHICH WE ASSUME IS ON A FROZEN LAKE WHICH MAY SOON BE MELTING, IS A MATTER FOR THE OWNERS AND INSURANCE COMPANIES TO HANDLE, WITH OUR SUPPORT WHEN AND IF APPROPRIATE.

3. CONCERNING THE REMAINING CARGO, WE HAVE BEEN IN TOUCH WITH PAN AMERICAN ABOUT ITS TRANSPORT BY COMMERCIAL MEANS FROM MURMANSK TO KAL IN PARIS. TOON

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DETENTION, AIRSPACE VIOLATIONS, AIRCRAFT ACCIDENTS, PASSENGER TRANSPORTATION  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 25 apr 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780176-0940  
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**Original Handling Restrictions:** n/a  
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**Retention:** 0  
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**Review Event:**  
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**Status:** NATIVE  
**Subject:** DOWNED KOREAN AIRLINER  
**TAGS:** EAIR, UR, US, KN  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
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